



AD-A270 246



October 16, 1981
NUMBER 1332.31

(2)

Department of Defense Directive

ASD(MRA&L)

SUBJECT: Administrative Separation of Chaplains Upon Loss of Professional Qualifications

References: (a) Title 10, United States Code
(b) DoD Directive 1304.19, "Nomination of Chaplains for the Armed Forces," January 9, 1980

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A. PURPOSE

This Directive implements Section 643 of reference (a) and establishes the criteria and procedures for the administrative separation, upon loss of professional qualifications, of chaplains on the active duty lists of the Military Services.

B. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense and the Military Departments and cover chaplains on the active duty lists of the Military Services. The term "Military Service," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

C. DEFINITIONS

1. Active Duty List. A single list for the Army, Navy, Air Force, or Marine Corps that is required to be maintained under Section 620 of reference (a) and that contains the names of all officers of that Military Service (other than the officers described in Section 641 of reference (a)) who are serving on active duty.

2. Separation. Discharge or retirement.

3. Chaplain. A commissioned officer of the Chaplain Corps of the Army, a commissioned officer of the Chaplain Corps of the Navy, or a commissioned officer in the Air Force designated for duty as a chaplain.

4. Counsel. A lawyer qualified under Section 827 (Article 27(b)(1) of the Uniform Code of Military Justice) (reference (a)) or a civilian lawyer retained at the commissioned officer's expense.

D. POLICY

An applicant for the chaplaincy must receive endorsement from an ecclesiastical endorsing agency in accordance with reference (b) as a prerequisite to appointment or designation as a chaplain. An

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endorsement by an ecclesiastical endorsing agency is an essential element of a chaplain's professional qualifications. A chaplain whose endorsement is withdrawn must be processed under this Directive.

E. RESPONSIBILITIES

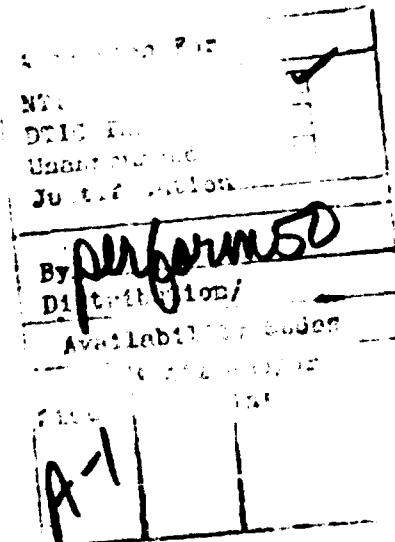
1. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall modify or supplement this Directive, as appropriate.
2. The Secretaries of the Military Departments shall follow the policy and procedures in this Directive.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective September 15, 1981. Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) within 120 days.

Frank C. Carlucci
Frank C. Carlucci
Deputy Secretary of Defense

Enclosure - 1
Procedures



Oct 16, 81
1332.31 (Encl 1)

PROCEDURES

A. BASIS FOR INITIATION OF ACTION

Processing under this Directive shall be initiated when an ecclesiastical endorsing agency withdraws its endorsement of an officer's continuation on active duty as a chaplain. Nothing in this Directive precludes separation under other regulations of the Military Department concerned when separation for reasons other than loss of ecclesiastical endorsement is appropriate.

B. NOTICE

When processing under this Directive is initiated, the chaplain shall be notified in writing that:

1. The chaplain has a right to consult with military counsel or with civilian counsel obtained at the chaplain's own expense, and to submit statements in response to the notice.

2. The ecclesiastical endorsing agency has withdrawn the chaplain's endorsement.

3. Under conditions established by the Secretary of the Military Department concerned, the chaplain may:

a. Seek another ecclesiastical endorsement;

b. Apply for nonchaplain duties with the understanding that the officer shall be discharged voluntarily as a chaplain on one day and appointed for nonchaplain duties on the next day;

c. Apply for voluntary retirement; or

d. Tender a voluntary resignation.

4. If a request is not submitted under subsection B.3., above, or if such a request is disapproved, the chaplain shall be separated with an honorable discharge.

C. RESPONSE

The chaplain shall be provided a reasonable period of time, but not less than 2 working days, to respond to the notice. If the chaplain states that action under subsection B.3, above, will be requested, the chaplain shall be notified in writing of the date and manner by which such request must be submitted. If the chaplain does not respond to the notice, separation processing shall be completed under section D, below.

D. FINAL DETERMINATION

The Secretary of the Military Department concerned may:

1. Approve a new ecclesiastical endorsement submitted in accordance with DoD Directive 1304.19 (reference (b));

2. Approve a voluntary resignation, if tendered, and direct an honorable discharge;
3. Approve voluntary retirement, if requested;
4. Approve a request for assignment to nonchaplain duties through voluntary resignation and appointment in accordance with regulations implementing 10 U.S.C. 533(a)(1), 3353(a)(1), 5600(a)(1), or 8353(a)(1) (reference (a)); or
5. Direct an honorable discharge if the actions in subsection D.1., D.2., D.3., or D.4., above, are not requested or approved.